

Remarks

By the Office Action dated September 16, 2005, the Examiner has required restriction of the application to either group I (claims 1-14) drawn to an instrument or group II (claims 15-21) drawn to a method. Applicants hereby elect, with traverse, claims 1-14 of group I.

Applicants have elected with traverse based on the fact that the method and device claims of groups I and II are sufficiently related and not distinct from one another. The Examiner has indicated that the process of the claims of group II can be practiced by hand with a basic monopolar electrode device that is manually moved from one target to the next. Applicants respectfully disagree with this statement, given the fact that both independent method claims 15 and 21 require an instrument having features recited in independent apparatus claims 1 and 13. In particular, each of method claims 15 and 21 require an instrument with a feature enabling the effective surface area ratio of the active electrode to be changed, and the steps of the method require this effective surface area to be changed between the tissue treating steps.

In view of the foregoing, applicants submit that the claims of group I and group II are sufficiently related, and respectfully request that the Examiner withdraw the restriction requirement.

Applicants believe that no fee is due in connection with this response. The Commissioner is hereby authorized, however, to charge any additional fees that may be required to Account No. 10-0750/GYN-5004/MJS. This Authorization is being submitted in triplicate.

Respectfully submitted,

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